

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on February 3, 2005
at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark E. Noennig, Chairman (R)
Rep. Debby Barrett (R)
Rep. Mary Caferro (D)
Rep. Margaret H. Campbell (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Christopher Harris (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Rick Maedje (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused:

Rep. Hal Jacobson, Vice Chairman (D)
Rep. Wayne Stahl, Vice Chairman (R)
Rep. Elsie Arntzen (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 359, 1/27/2005; HB 365,
1/27/2005; HB 442, 1/27/2005
Executive Action: HB 73, HB 230, HB 105, HB 384

HEARING ON HB 359

Opening Statement by Sponsor:

REP. GAIL GUTSCHE (D), HD 99, opened the hearing on **HB 359**,
Revise pesticide application laws.
00:00:36

Proponents' Testimony:

00:07:54 **REP. PAUL CLARK, HD 13, TROUT CREEK**
EXHIBIT (loh27a01)
00:11:24 **SEN. JIM ELLIOTT, SD 7, TROUT CREEK**
EXHIBIT (loh27a02)
00:13:45 Tim Burton, City Manager of Helena
00:15:10 Lou Ann Crowley, Missoula City Council
00:16:21 Sandy Oitzinger, Helena City Commissioner
00:16:55 Bmony Schwan, Missoula County Weed Board
00:20:04 Glenda Trusdell, Self, Townsend
00:23:22 Linda Stoll, Self
00:24:17 Polly Pfister, Helena Local Weed Sub-Committee
00:26:14 John Senn, Womens' Voices For the Earth
00:27:15 Tony Tweedale, Missoula

Opponents' Testimony:

00:29:42 Paul Newby, Gallatin Valley Spray Applicator
EXHIBIT (loh27a03)
00:32:03 Pam Langley, Montana Agricultural Business
Association and Montana Farm Bureau
EXHIBIT (loh27a04)
00:37:21 Judy Stevers, From Missoula

00:40:30 John Moodry, Butte Weed District
00:41:50 Nancy Peterson, Department of Agriculture
00:43:16 Brad Culver, Nitrogreen Professional Lawn Care
EXHIBIT (loh27a05)
00:44:43 Arlene Rice, Montana Agriculture Business
Association
00:45:45 Mark Peterson, Pesticide Sprayer from Havre
00:46:25 Jim Freeman, Cascade County Weed District
00:47:11 Margie Edsall, Madison County Weed District
00:48:29 Scott Selstad, From Great Falls
00:49:19 John Semple, Montana Grain Growers
00:49:34 Kari Brittan, Montana Aerial Applicators

00:49:50 Andrew Fisher, Montana Ag Business
00:50:09 Boyd Morgan, Association of Aerial Applicators
00:50:20 Sid Brandon, Applicator from Cut Bank
00:50:54 Jim Ghekiere, Liberty County
00:51:02 Russell Ferguson, Livingston, applicator
00:51:20 Scott Bockness, Yellowstone weed program
00:51:37 Garth Hougland Beaverhead County Weed District
00:52:24 Tamara Fetty, Montana Farm Bureau
00:52:41 Ryan Lammers, Milk River Cooperative

Informational Testimony:

00:53:24 Elaine Mann, Broadwater County Commissioner

Questions from Committee Members and Responses:

00:54:22

Closing by Sponsor:

01:24:49

REPS. JACOBSON and STAHL entered the room

HEARING ON HB 365

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on HB 365, Revise use of land surveyors in survey reviews.

01:40:23

Proponents' Testimony:

01:47:03 Gordon Morris, Association of Counties

01:48:40 Rick Gustine, Association of Land Surveyors

Opponents' Testimony:

01:49:24 Linda Stoll, Association of Planners

01:49:51 Ron Alles, Lewis and Clark County

01:50:38 Robert Throssell, Montana Association of Clerk and
Recorders

Informational Testimony: None

Questions from Committee Members and Responses:

01:52:20

Closing by Sponsor:

02:02:38

HEARING ON HB 442

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 442**, Allow certified surveyors to inspect subdivision roads.

02:03:31

Proponents' Testimony: None

Opponents' Testimony:

02:08:09 Linda Stoll, Association of Planners

02:09:12 Byron Stahly, Engineering Firm, Helena

EXHIBIT (loh27a06)

02:11:29 Elaine Mann, Broadwater County Commissioner

02:12:44 Julie Shewman, Civil Engineer in Helena

02:14:43 Dan McCauley, Civil Engineer in Helena

02:18:21 Ron Alles, Lewis and Clark County

02:19:37 Joy Skoog, Association of Engineers

02:20:31 Gordon Morris, Montana Association of Counties

Informational Testimony: None

Questions from Committee Members and Responses:

02:21:03

Closing by Sponsor:

02:27:58

EXECUTIVE ACTION ON TO CREATE A COMMITTEE BILL

Motion/Vote: REP. HARRIS moved that this committee ask the legislative staff to **CREATE A COMMITTEE BILL** to allow counties to enter into contracts. Motion carried 17-0 by voice vote.

EXECUTIVE ACTION ON HB 73

Motion: REP. MCALPIN moved that **HB 73 DO PASS**.

Discussion:

02:39:42

Vote: Motion carried 14-3 by roll call vote with REPS. BARRETT, MAEDJE, and MCGILLVRAY voting no.

EXECUTIVE ACTION ON HB 230

Motion: REP. JACOBSON moved that HB 230 DO PASS.

Motion: REP. JACOBSON moved HB 230 be amended.

Discussion:

02:50:19

[EXHIBIT](#)(loh27a07)

Vote: Motion carried 17-0 by voice vote.

Motion: REP. JACOBSON moved that HB 230 DO PASS AS AMENDED.

Discussion:

02:51:15

Vote: Motion carried 17-0 by voice vote.

EXECUTIVE ACTION ON HB 105

Motion: REP. HARRIS moved that HB 105 DO PASS.

Motion: REP. HARRIS moved that HB 105 BE AMENDED.

Discussion:

02:55:18

[EXHIBIT](#)(loh27a08)

Vote: Motion carried 15-2 by voice vote with REPS. BARRETT and MAEDJE voting no.

Motion: REP. MAEDJE moved that HB 105 BE AMENDED.

Discussion:

02:57:38

[EXHIBIT](#)(loh27a09)

Substitute Motion: REP. STAHL made a substitute motion that HB 105 BE AMENDED with a conceptual amendment.

Discussion:

03:05:50

Vote: Motion carried 9-8 by roll call vote with REPS. CAFERRO, CAMPBELL, EATON, HARRIS, HENRY, JACOBSON, JOPEK, and MCALPIN voting no.

Motion: REP. MAEDJE moved that HB 105 DO PASS AS AMENDED.

Discussion:

03:12:08

Vote: Motion carried 9-8 by roll call vote with REPS. BARRETT, HENDRICK, MACLAREN, MAEDJE, MCGILLVRAY, NOENNIG, OLSON, and STAHL voting no.

EXECUTIVE ACTION ON HB 384

Motion/Vote: REP. HARRIS moved that HB 384 BE TABLED. Motion carried 17-0 by voice vote.

ADJOURNMENT

Adjournment: 6:30 P.M.

REP. MARK E. NOENNIG, Chairman

KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

EXHIBIT ([loh27aad0.PDF](#))